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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

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Plaintiff,

No. CR 11-00068 JSW

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v.

**ORDER RE DEFENDANT'S  
MOTION TO OPPOSE REMAND**

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ARTHUR ABRAHAM,

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Defendant.

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On March 10, 2011, the parties appeared before this Court for purposes of a change of plea. Defendant is subject to mandatory remand under 18 U.S.C. § 3143(a)(2). On March 10, 2011, however, the Court granted Defendant's request to remain on bond pending sentencing based on exceptional reasons, pursuant to 18 U.S.C. § 3145(c), but ordered additional briefing from the parties.

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The Court has received and considered Defendant's motion to oppose remand, and the Government's response thereto. Defendant has not filed a reply within the time permitted by the Court, so the matter now is ripe. The Court finds that based on the record, and based on the fact that sentencing is set for June 19, 2011, Defendant's medical condition constitutes an "exceptional circumstance," that might justify continued release pending sentencing, *see United States v. Garcia*, 340 F.3d 1013, 1019 (9th Cir. 2003).

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1        However, the Court HEREBY ADVISES the Defendant that he shall be remanded at  
2 sentencing, unless he wishes to self-surrender before that date, or unless he presents additional  
3 competent evidence that he should be permitted to remain on release pending designation by the  
4 Bureau of Prisons.

5        **IT IS SO ORDERED.**

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7        Dated: May 2, 2011

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11      JEFFREY S. WHITE  
12      UNITED STATES DISTRICT JUDGE